

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES S. BRASWELL,

Plaintiff,

vs.

CASE NO. 04-73630
HON. LAWRENCE P. ZATKOFF,
MAGISTRATE JUDGE STEVEN D. PEPE

JOANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge Pepe's Report and Recommendation of September 27, 2005 [16], in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment [7] be GRANTED and Defendant's Motion for Summary Judgment [10] be DENIED. Defendant has filed objections, and Plaintiff has filed a response.

After a thorough review of the court file, the respective parties' motions, the Report and Recommendation, Defendant's objections, and Plaintiff's Response, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Therefore, IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is DENIED. Plaintiff's Motion for Summary Judgment is GRANTED. Accordingly, this case is hereby REMANDED to the Defendant for a computation of benefits to which Plaintiff is entitled

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IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 4, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 4, 2005.

s/Marie E. Verlinde
Case Manager
(810) 984-3290